

DEFINITIONS

Agreement means the North American Free Trade Agreement, see section 3301(1) of Title 19, Customs Duties.

§ 290m-3. “Border Environment Cooperation Agreement” defined

For purposes of this subchapter, the term “Border Environment Cooperation Agreement” (referred to in this subchapter as the “Cooperation Agreement”) means the November 1993 Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank.

(Pub. L. 103-182, title V, §544, Dec. 8, 1993, 107 Stat. 2170.)

§ 290m-4. Authority to agree to certain amendments to the Border Environment Cooperation Agreement

The President may agree to amendments to the Cooperation Agreement that—

(1) enable the Bank to make grants and non-market rate loans out of its paid-in capital resources with the approval of its Board; and

(2) amend the definition of “border region” to include the area in the United States that is within 100 kilometers of the international boundary between the United States and Mexico, and the area in Mexico that is within 300 kilometers of the international boundary between the United States and Mexico.

(Pub. L. 103-182, title V, §545, as added Pub. L. 108-215, §1(a), Apr. 5, 2004, 118 Stat. 579.)

§ 290m-5. Grants out of paid-in capital resources

(a) In general

The President shall instruct the United States Federal Government representatives on the Board of Directors of the North American Development Bank to oppose any proposal where grants out of the Bank’s paid-in capital resources, except for grants from paid-in capital authorized for the community adjustment and investment program under the Bank’s charter of 1993, would—

(1) be made to a project that is not being financed, in part, by loans; or

(2) account for more than 50 percent of the financing of any individual project.

(b) Exception

(1) General rule

The requirements of subsection (a) of this section shall not apply in cases where—

(A) the President determines there are exceptional economic circumstances for making the grant and consults with the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives; or

(B)(i) the grant is being made for a project that is so small that obtaining a loan is impractical; and

(ii) the grant does not exceed \$250,000.

(2) Limitation

Not more than an aggregate of \$5,000,000 in grants may be made under this subsection.

(Pub. L. 103-182, title V, §546, as added Pub. L. 108-215, §1(b), Apr. 5, 2004, 118 Stat. 579.)

§ 290m-6. Annual report

The Secretary of the Treasury shall submit annually to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a written report on the North American Development Bank, which addresses the following issues:

(1) The number and description of the projects that the North American Development Bank has approved. The description shall include the level of market-rate loans, non-market-rate loans, and grants used in an approved project, and a description of whether an approved project is located within 100 kilometers of the international boundary between the United States and Mexico or within 300 kilometers of the international boundary between the United States and Mexico.

(2) The number and description of the approved projects in which money has been dispersed.

(3) The number and description of the projects which have been certified by the Border Environment Cooperation Commission, but yet not financed by the North American Development Bank, and the reasons that the projects have not yet been financed.

(4) The total of the paid-in capital, callable capital, and retained earnings of the North American Development Bank, and the uses of such amounts.

(5) A description of any efforts and discussions between the United States and Mexican governments to expand the type of projects which the North American Development Bank finances beyond environmental projects.

(6) A description of any efforts and discussions between the United States and Mexican governments to improve the effectiveness of the North American Development Bank.

(7) The number and description of projects authorized under the Water Conservation Investment Fund of the North American Development Bank.

(Pub. L. 108-215, §2, Apr. 5, 2004, 118 Stat. 580.)

CODIFICATION

Section was enacted as part of Pub. L. 108-215, and not as part of part 2 of subtitle D of title V of Pub. L. 103-182, which comprises this subchapter.

SUBCHAPTER XXIX—UNITED STATES-MEXICO BORDER HEALTH COMMISSION

§ 290n. Appointment of members of Border Health Commission

Not later than 30 days after November 29, 1999, the President shall appoint the United States members of the United States-Mexico Border Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission.

(Pub. L. 103-400, §2, as added Pub. L. 106-113, div. B, §1000(a)(4) [title V, §516(1)], Nov. 29, 1999, 113 Stat. 1535, 1501A-276.)